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December 2, 2004  
TENTATIVE AUTHORITY  
DOCKET ROOM

Jean Stone, Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Re: *In Re: Petition of King's Chapel Capacity*  
Docket No. 04-00335

Dear Hearing Officer Stone:

I have received a copy of a letter to you from counsel for King's Chapel Capacity, dated December 2, 2004. In the letter counsel objects to the fact that Tennessee Wastewater filed its "Motion to Hold Proceedings in Abeyance" on December 2, 2004, instead of December 1, as I had anticipated when we discussed the matter at the scheduling conference on November 29.

There is, of course, no order from the Hearing Officer regarding the filing of pre-hearing motions in this case. Unlike the procedural dates set by you for the filing of discovery and testimony and for the hearing itself, discretionary motions, such as this one, may normally be filed at any time prior to hearing. A response to any such motion is due within seven days of filing. See TRA Rule 1220-1-2-.06.

In any event, the letter from counsel, though not styled in the form of a motion, could be construed as a motion to strike the request of TWS to hold these proceedings in abeyance. To the extent that the letter is so construed, TWS opposes the motion for the reasons stated above. Unless requested by you, TWS intends to make no response to counsel's other statement.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/djc

Cc: Richard Militana  
Charles B. Welch, Jr.

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